

FIRST REGULAR SESSION

SENATE BILL NO. 437

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LAGER.

Read 1st time February 23, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

2116S.011

AN ACT

To amend chapter 137, RSMo, by adding thereto one new section relating to the taxation of certain renewable energy property.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 137, RSMo, is amended by adding thereto one new section, to be known as section 137.121, to read as follows:

137.121. 1. For purposes of this section, the following terms shall mean:

(1) "Biomass", any organic matter that is available on a renewable basis, including, without limitation:

(a) Agricultural crops and agricultural wastes and residues;

(b) Wood and wood wastes and residues;

(c) Animal wastes;

(d) Municipal wastes; and

(e) Aquatic plants;

(2) "Biomass property", property actually and regularly used predominantly to produce and generate electricity using biomass as its primary fuel;

(3) "Renewable energy resource property", solar energy equipment, biomass property, and wind energy conversion property;

(4) "Solar energy equipment", equipment actually and regularly used predominantly to collect and convert incident solar radiation into thermal, mechanical, or electrical energy or equipment that is actually and regularly used predominantly to transform such converted solar energy to a storage point or to a point of use;

(5) "Wind energy capacity factor", a valuation factor of thirty percent to reflect the effect of the average wind power density in

22 Missouri on the true value in money of wind energy conversion
23 property. The wind energy capacity factor shall be thirty percent;

24 (6) "Wind energy conversion property", any device actually and
25 regularly used predominantly to capture and convert wind energy to
26 a form of usable energy, including, but not limited to, a wind charger,
27 windmill, wind turbine, tower and electrical equipment, pad mount
28 transformers, power lines, and substation.

29 2. Renewable energy resource property shall be considered
30 tangible personal property for the purposes of this chapter.

31 3. The true value in money of renewable energy resource
32 property shall be determined in the following manner:

33 (1) For biomass property and solar energy equipment, the
34 property shall be considered business personal property as defined in
35 section 137.122 and the value shall be determined using the twenty year
36 depreciation table provided in subsection 3 of section 137.122;

37 (2) For wind energy conversion property, the cost of the property
38 shall be multiplied by the wind energy capacity factor and then subject
39 to business personal property depreciation schedules as follows:

40 (a) Wind energy conversion property constructed prior to
41 January 1, 2012, shall be subject to a twenty year average depreciation
42 percentage of forty-eight and five tenths per year;

43 (b) Wind energy conversion property constructed on or after
44 January 1, 2012, shall be subject to the twenty year depreciation table
45 provided in subsection 3 of section 137.122.

46 4. Renewable energy resource property shall constitute a
47 separate subclass of tangible personal property and shall be assessed
48 and valued for the purposes of taxation at fifteen percent of its true
49 value in money.

50 5. This section shall not apply to renewable energy resource
51 property placed in service before January 1, 2010. Nothing in this
52 section shall create a presumption as to the proper method of
53 determining the assessed valuation of renewable energy resource
54 property placed in service before January 1, 2010.

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